


RESEARCH ARTICLE

## Narrating COVID and captivity in Italy: ‘no prison’ writings and the restorative potential of the penitentiary

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### Abstract

Italy’s prison overcrowding became world news in early March 2020, when the COVID-19 outbreak sparked riots in prisons across the country, causing the death of 13 inmates. As a crisis narrative, the COVID-19 pandemic made visible the deep, ongoing crisis of Italy’s prison system and disclosed new conditions for critical thought on the restorative potential of the penitentiary system. This article first describes the impact of COVID-19 on Adriano Sofri’s ‘no prison’ writings, starting from his column in *Il Foglio* on the prison uprisings in March that followed the announcement of the anti-COVID measures; it subsequently analyses the Italian response to the pandemic from an internal, practitioner-led perspective. By offering both a dialectic and an immanent perspective, it aims to develop new ways of understanding the detention system and enhance the social credibility of the penitentiary system in Italy beyond the constraints of COVID and the emergency logic.

**Keywords:** COVID-19; prison crisis in Italy; overcrowding; prison reforms; Adriano Sofri; re-education

E mentre Draghi si preoccupa delle multe da pagare per il sovraffollamento, infine, io mi chiedo: il carcere è un luogo di rieducazione o uno stato straniero da sottomettere? [And while Draghi is concerned about the fines to be paid for overcrowding, I ask myself: is prison a place for re-education or is it a foreign state to be subjugated?] (Celestini 2022)

Il carcere è un ozio senza riposo, dove le cose facili sono rese difficili da cose inutili. [Prison is idleness without rest, where easy things are made difficult by useless things.] (Anonymous author, sentence written on a prison wall and quoted by the then Minister of Justice, Andrea Orlando, at the closing ceremony of a general stocktaking event on criminal enforcement in Rome Rebibbia, 18–19 April 2016)

### Introduction

Italy’s prison overcrowding became world news in early March 2020 when the COVID-19 outbreak sparked riots in prisons across the country, causing the death of 13 inmates.

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The turmoil was triggered by the prisoners' anxiety, which generated from the impact of the pandemic. The measures taken by the Italian government to limit the spread of COVID-19 in prisons required distancing – which is impossible in an overcrowded cell – and the suspension of all face-to-face meetings between convicts and their families. According to the numbers in the end-of-year assessments by the cultural and political NGO Antigone, which, as stated in its motto, fights 'for rights and guarantees in the penal system', Italian prisons counted more than 61,000 detainees at the time of the COVID-19 outbreak, whereas the space was suited for only 50,000 people. The official rate of overcrowding exceeded 120 per cent, but in reality, it amounted to 130.4 per cent (Antigone 2020a, 11). In order to address this problem, 8,000 detained persons were allowed to complete their terms in home confinement during the first wave; consequently, the overcrowding rate dropped to 107 per cent (52,600 detained persons) in May 2020 (Antigone 2020a, 60). However, during the second wave, the number of detainees rose again, reaching 53,364 at the end of 2020 and 54,134 at the end of 2021 (Antigone 2022), together with the number of infections (which peaked at over 1,000 in December 2020) (Antigone 2021). A positive development – according to Antigone – was the allowance of the use of smartphones and tablets in prison for video calling. Nevertheless, the year 2020 closed negatively, with 56 suicides (Antigone 2020b). These dramatic events produced a series of comments and opinion articles (Pascali and Sarti 2020; Rizzo 2020; Tavoschi et al. 2020) reflecting on the weak spots of Italy's prison system and urging reform. These concerns are not limited to Italy, though; they are also voiced in a number of studies on the effects of the COVID-19 pandemic on prison life in general (Pont et al. 2021; Marietti and Scandurra 2020).

In early July 2021, the release of a surveillance video of the Santa Maria Capua Vetere prison by the newspaper *Domani* again sparked controversy and indignation (Congiu 2021; Romano 2022). The video showed prison officers brutally beating a number of detainees during Italy's first lockdown in April 2020. In the weeks before the incident, inmates had protested to express their fear of contagion, the lack of protective equipment and the impossibility of social distancing. This series of shocking events brought to light not only the systemic violence of Italy's penitentiary system (Ronco, Sbraccia and Verdolini 2022) but also the structural problems of the system itself, including overcrowding, inappropriate prison sentences and the lack of alternatives to detention (Marietti 2015).<sup>1</sup> When visiting the prison, Mario Draghi, who served as prime minister of Italy from February 2021 to October 2022, highlighted that 'the collective responsibility' for the violence is that 'of a system that must be reformed' (Lettig 2021).

As a multiple crisis narrative, the COVID-19 pandemic thus made visible the deep, ongoing crisis within Italy's prison system and posed new conditions for critical thought on the restorative potential of the penitentiary. According to Nguyet Erni and Striphas, it is possible to distinguish between two central narratives: one political and one about how the pandemic has been experienced. The first can be described with the key term 'weaponising COVID' and relates to the state of exception 'in the guise of epidemic control' (Nguyet Erni and Striphas 2021, 225). This resonates with the exceptional measures taken by the Italian government in March 2020 to combat the emergency related to the spread of COVID-19 in prison, and with the criticism voiced by the NGO Antigone (Antigone 2020a, 115). The second narrative concerns 'COVID vulnerabilities' and mourning (Nguyet Erni and Striphas 2021, 227) and corresponds with the prisoners' anxieties about death and isolation, which were caused by the 8 March decree to 'isolate' prisons, thus causing the riots. Furthermore, the similarities with previous epidemics, such as AIDS, reinforce the narration of prison as a locus of illness (Verdolini 2022).

On 8 March 2020, Adriano Sofri pointed out that the COVID-19 pandemic was the spark that ignited the 'Caporetto'<sup>2</sup> of Italy's agonising penitentiary system (Sofri 2020a). This

article wants to show how the tensions just described can be positioned in relation to Sofri's writings on the long history of flaws in Italy's prison system and the crisis management caused by the pandemic. It wishes to analyse the entanglement between these two crisis narratives from an outsider and an insider position (Coghlan and Brydon-Miller 2014), in which the outsider role coincides with that of the researcher (Monica Jansen) and the insider stance with that of the practitioner (Stefania Basilisco). However, since the outsider role is positioned in relation to Adriano Sofri's case, it is also informed by his experience as an insider within the penitentiary system. In this case, the insider position of a professional working in the prison system also coincides with that of the researcher, since it is embodied by one of the co-authors of this article. Both positions are therefore informed by direct experience of imprisonment and reflect on this as external observers, thus going beyond the mediated view of the prison, which tends to sensationalise prison life instead of focusing on important issues concerning justice and human rights (Harmes, Harmes and Harmes 2020). The article starts with the impact of the COVID-19 emergency on Adriano Sofri's stance on prison as a dehumanising institution and subsequently analyses the Italian response to the pandemic from an internal, practitioner-led perspective. By offering both an external and an internal perspective, this contribution aims to develop new ways of understanding the detention system and to enhance the social credibility of the penitentiary system in Italy beyond the constraints of COVID and the prison crisis. Both stances are mediated and informed by the crisis narratives that have been forged by mainstream and independent media.

### Sofri's 'no prison' writings (Monica Jansen)

In 1990, Adriano Sofri, the former leader of the autonomist movement Lotta Continua, was found guilty of ordering the murder of police officer Luigi Calabresi in 1972. He served a 22-year sentence, refused to accept a pardon or any other prison concessions, and always proclaimed his innocence. Speaking from his own experience, and with the support of many politicians, intellectuals and artists, he has regularly made use of his public role as an intellectual, journalist and writer to campaign against the penitentiary system in general and in favour of a more humane prison system in Italy. The first part of this article builds on Sofri's reflections on the prison system and COVID-19 as voiced through his regular column 'Piccola posta' in the newspaper *Il Foglio*, which was founded by Giuliano Ferrara in 1996. After having pointed out on 8 March 2020 that the COVID-19 pandemic was the spark that ignited the 'Caporetto' of Italy's agonising penitentiary system, Sofri also remarked, on 11 March, on the indifference of the media regarding the large number of deaths caused by these revolts: 12, at the time (in the Modena and Rieti prisons), a number that he dramatically interpreted as the 'avant-garde' mentality of sacrificing the human singularity to the indifferent 'heap' of the 'mass grave' (Sofri 2020b). On 8 April, he wrote a furious column in which he attacked a number of state representatives (including the then Minister of Justice Alfonso Bonafede) and journalists (including Marco Travaglio) for their – voluntary or involuntary – misreading of the virus's impact on prison life and of the motivations underlying these prison riots. According to Sofri, the unfounded and surreal hypothesis that these revolts were co-ordinated by criminal and anarchist organisations demonstrates that, according to public opinion, rioting convicts should die and be punished, and that the authorities in charge do not regard it their responsibility to challenge the inhumane prison conditions in Italy (Sofri 2020c).<sup>3</sup> On 5 July 2021, Sofri offered a summary of the first and second lockdown in prison; as a 'no prison' activist, he exposed his radical 'conscientious objection' against prison, while supporting NGO Antigone's hope for the penitentiary system to go 'beyond the virus' (Sofri 2021b).

Starting from these public interventions ‘in times of the new cholera’ (Sofri 2020b), to use Sofri’s words – which he borrows from Riccardo De Vito, judge and president of the association Magistratura democratica (Democratic Judiciary) (Sofri 2021b) – it is possible to consider his prison writings as a way of continuously reworking, re-elaborating and re-contextualising his own prison experience, chronicled in *Le prigionie degli altri* (1993), *Piccola posta* (1999), *Altri hotel* (2002) and *Chi è il mio prossimo* (2007).<sup>4</sup> In these autobiographical collections written during his time in captivity, composed of diary notes, letters, columns and essays, he continuously combines his close observations of the prison’s daily routine – made up of micro-events – with his distant engagement with epochal changes on a global scale.<sup>5</sup> This ‘freedom’ of a floating mind within the prison walls, which Leonardo Sciascia attributed to Antonio Gramsci when he called him ‘the freest man next to Benedetto Croce in Fascist Italy’ (as Sofri writes in one of his 2021 posts), could be attributed to Sofri as well (Sofri 2021a). Nevertheless, while many consider him an intellectual or even a ‘political prisoner’, he systematically eschews any comparison with ‘noble’ examples: his case cannot be compared to that of Dreyfus (Sofri 2004, 742).<sup>6</sup>

To illustrate how this long-term practice of ‘entangled’ or ‘palimpsest’ prison writing ties in with Sofri’s present writing on the pandemic, it is useful to analyse his May 2020 column in *Il Foglio* (Sofri 2020d) on Carlo Ginzburg’s essays about distance contained in *Occhiacci di legno* (2019) (Wooden Eyes). Its re-edition with an additional tenth essay, published by Quodlibet in 2019, coincided with the COVID-19 outbreak in the northern Italian town of Codogno, where the first case in Europe was recorded. Sofri comments on Ginzburg’s chapter entitled ‘Killing a Chinese Mandarin: The Moral Implications of Distance’, which was first published as a brief essay in 1994 and had already been an object of scrutiny in his 2004 essay ‘On Optimism’; this time, though, Sofri links it to the moral questions raised by the pandemic. Both Ginzburg’s and Sofri’s reflections start from a famous apologue by Diderot, regarding the moral question of whether ‘extreme distance elicits indifference’ (Sofri 2004, 447). In ‘On Optimism’, Sofri states that the metaphor of distance is no longer valid as a parameter of proximity:

Recourse to the Chinese mandarin as a symbolic representative of civic distance (as blacks, Hottentots, Kaffirs, and others have represented ‘savage’ distance) is meaningless today. Economics has rendered the world vastly interdependent. (Sofri 2004, 750)

Sofri also draws a parallel with the biblical parable of the Good Samaritan to address the question of the proximity of the distant ‘other’:

In misfortune one’s neighbour – found lying on bloody ground; a prisoner, stripped and shorn; a lost, emaciated poodle – is unrecognizable and cannot be chosen. He or she has been attacked, wounded, and humiliated; all his distinguishing marks have been obliterated ... But once you find yourself there, and have seen him or her, your turning away is an omission of help, providing there is something that you could do, and one can always do something ... distances are relative (they can be diminished) and discontinuous. (Sofri 2004, 755–756)

He therefore concludes that human relationality should always be a guiding principle:

The problem of politics (of all politics, hence of even the best sort) is to find a reasonable way to liberate itself from the average abstractions and return to the singularity of lived lives, including the lived life of the great communities. (Sofri 2004, 769)

In his comment on the new edition of Ginzburg's book, Sofri links the apologue of the Chinese mandarin to the COVID-19 crisis in two significant ways: one concerns our indifference towards the evidence of the pandemic, first in China and subsequently in Italy; the second traces a parallel between old age as an extenuating circumstance for the killing of the mandarin and the condition of elderly people during the pandemic, to whom the media attribute a 'sub-life' – a condition of being neither completely alive nor dead yet (Sofri 2020d). In this case, too, Sofri warns against any type of abstraction of proximity to the other.

In the collection *Chi è il mio prossimo* (2007), Sofri includes and elaborates on his essay 'On Optimism'. In his final 'note', the author says that the essays contained in the collection follow a logical itinerary that takes them from the 'Who is my neighbour?' question to the parable of the prodigal son; this time, though, the perspective is that of the son. For Sofri, to be committed means to engage with the 'più' in '*non più*' (no longer), not in the sense of a stage halfway towards the utopian stance of the 'not yet', where one imagines what humanity will become, but as an act of (re)departure from our knowledge of the humanity that we are no longer (Sofri 2007, 323). Sofri therefore couples this kind of 'inverted' progressivism with the parable of the prodigal son, whose return home – rather than the condition of never having left – can be seen as a way of gaining a deeper understanding of what is right and avoiding a relapse ('*non farlo più*'; Sofri 2007, 343).

In *Le prigionie degli altri*, Sofri defines himself as an 'apolitical prisoner' (Sofri 1993, 22). His 'apolitical' activism could be linked to his conception of 'repentance', the translation of the noble word *pentimento*, which according to Sofri has nothing to do with the perverted use of the moral-judiciary category of *pentitismo* (Sofri 2007, 320). This process of repentance, which Sofri distinguishes from the process of penitence demanded from the prisoner by the penitentiary system, is an individual achievement that he considers separate from prison as an institution of re-education. With this in mind, his comments on the prison riots in March 2020 can therefore be read backwards in the light of his previous statements on the institution of imprisonment, in general, and on the conditions of captivity in Italy, in particular. The following discussion will link Sofri's observations on the COVID-19 pandemic to some of the strongholds of Sofri's thoughts on captivity, which are all grounded in his basic idea that prison, if it is not necessary, is to be considered a disgrace.

In 2005, Sofri contributed to a special issue on Italian prisons of the journal *La nuova città*, with a small dictionary of key terms ('Piccolo dizionario per i lettori') that can be useful as a guide to classify his statements on the COVID emergency. One of the terms is '*sovraffollamento*' (overcrowding), which he defines as the 'superlative of a superlative' (Sofri 2005, 235). The entry is closely linked to the keywords '*suicidi in carcere*' and '*tentati suicidi*' (suicides in prison and suicide attempts), and the list of entries ironically closes with the entry 'record', which refers to the tripling of the number of people subjected to penal measures in Italy over the course of 15 years.

A more recent overview can be found in Sofri's preface to an autobiographical book written in 2019 by Francesco Ceraudo, who worked as a medical doctor in the Don Bosco prison of Pisa where Sofri was detained. According to Sofri, there is a direct link between prison overcrowding, suicide and self-injury, because prison, in the end, is 'a place for physical devastation ... for all epidemics ... Prison creates monsters' (Sofri 2019, 23). Sofri's insights build on a pamphlet co-written with Ceraudo, *Ferri battuti* (1999), which was published with a preface by Dario Fo; here, Fo highlights that Sofri and Ceraudo succeed in showing what the experience of reclusion means (1999, vii), thus performing their task as intellectuals who inform the public and identify a real 'prison pathology' (1999, viii).

All these issues were already present in Sofri's *Le prigionie degli altri*. To start with the appendix, entitled 'De profundis 1993', it is striking how little has changed in Italy's penitentiary 'emergency' since the 1990s; this could be interpreted as proof of Sofri's right to be pessimistic about prison reforms. He speaks of the rise of the number of detainees between 1991 and the end of 1992, from 25,000 to 49,000, with a maximum capacity of 29,544 (Sofri 1993, 145). He also observes that Italy, in comparison with other European countries, has a low imprisonment rate, but that in more than 70 per cent of cases the term of imprisonment is less than one year (Sofri 1993, 146). Furthermore, he speaks of the growing number of 'extracomunitari', which in the Rebibbia prison reached 30 per cent of the total (Sofri 1993, 146). Finally, he mentions the increase in drug addicts and jailers infected with AIDS (Sofri 1993, 146).

Although he concludes that prison cannot be abolished, Sofri refuses to accept the idea that detention serves the aim of re-educating the convict. It is his contention that prison as an institution is acceptable only for the purpose of preventing the liberty of individuals who committed severe crimes and who will repeat these in the future (Sofri 1993, 137). In all other cases, prison, when not justified by the necessity to prevent other crimes from happening, is superfluous and even harmful from the point of view of social security, and despicably cruel from a moral point of view (Sofri 1993, 134). 'Re-education', according to Sofri, only and solely regards the soul of the prisoners, who are their own educators, when they find – or already possess – the force to re-educate themselves (Sofri 1993, 138). This means that Sofri believes only in reforms that solve overcrowding by introducing alternative sanctions and early release; more specifically, he embraces the controversial prison reform law 'Legge Gozzini', which was introduced by prison reformer Mario Gozzini in 1986 to humanise prison life conditions but that was never fully implemented (Sofri 1993, 135).

These standpoints, which Sofri applies almost unchanged to the prison crisis that emerged from the pandemic, are rekindled by the spark that inflamed the Italian penitentiary 'Caporetto'. On 5 July 2021, Sofri published an annotated chronicle of the first and second phase of the COVID-19 pandemic in prison, in which he quotes extensively from other experts or organisations that he agrees with. Sofri's reflections engage with both the political and the experiential COVID-19 crisis narratives mentioned above. His concern with the issues of violence and invisibility regards not only those inmates who suffer from repression and isolation, but also the prison institution itself, which was closed to visitors and volunteers during the national lockdown and only slowly and partially reopened during the second phase of the pandemic. Overcrowding slightly diminished thanks to alternative sanctions and home confinement, but Sofri observes that the number of releases during the first phase of the pandemic was far from sufficient and included only four prisoners sentenced to life imprisonment. Sofri here restates his opinion on the abolition of life imprisonment, and especially of imprisonment without the possibility of parole; he deems this to be the step that would morally and reasonably follow the refusal of the death penalty. He mentions the one-woman action of Rita Bernardini, president of the non-profit organisation Nessuno tocchi Caino (Hands Off Cain) and a member of the Italian Radicals, whose hunger strike in December 2020 against overcrowding and in favour of early release during the COVID-19 emergency was the subject of one of his columns (Sofri 2020e; Bernardini 2021).

In sum, the opinion expressed in 'Le prigionie del Covid' – on prison as an insane and inhumane institution – has remained unaltered. Sofri provocatively spurs politicians and the penitentiary administration to ask themselves not why so many inmates commit suicide, but rather why all the others *do not* kill themselves while imprisoned. This reversal of the question could be linked to his observation that, in order to be an optimist, one has to be a pessimist. In 'On Optimism', Sofri qualified himself in relation to prison as a



‘reform-oriented, pessimistic citizen of that system’ (2004, 741). In other words, his radical ‘no prison’ standpoint does not prevent him from using his role as an intellectual who experienced captivity to continuously advocate for more humane prison conditions. In his view, the loosening of restrictions on right to sexuality (the issue of affectivity during the detention) requires priority attention.<sup>7</sup> This is why, more recently, he has expressed his concern about anti-mafia prosecutor Nicola Gratteri’s refusal to negotiate ‘affectivity rooms’ in high-security prisons (Sofri 2022).

If, for Sofri, ‘Caporetto’ is inherent to Italy’s prison system and to the penitentiary in general, he nonetheless favours those initiatives that fight against the problem of overcrowding through reforms instead of building more prisons. By mentioning Antigone’s 2021 report *Oltre il virus* in his July column, Sofri also expressed the hope that new technologies will continue to be used to give detainees access to communication with the outside world, and thus his conviction coincides with Antigone’s statement that overcrowding and the inadequacy of treatment programmes are two sides of the same coin (Antigone 2022).

### Potential for improvement of the penitentiary system (Stefania Basilisco)

While many actors in the field of prison reform activism share Sofri’s position, the following part addresses the flaws in the penitentiary system – and, most importantly, the potential for its improvement – from a practitioner-led perspective. It does so by using an embedded professional experience and critically informed vision to emphasise the possible keys to change. The point of union between the analysis of the prison’s flaws and its potential for improvement consists in the ability to imagine ‘transformative change’ (Mezirow 1990, 1997) within the penal institution, starting with a focus on the possibility of implementing rehabilitative programmes during the execution of sentences in prison in an environmental, organisational and cultural context that is in line with this ideological-legal purpose.

The media representation of prisons during the pandemic shaped a narrative that speaks of generalised violence, the absence of specific rights for detainees, and chaos. The riots, the uncertainty and lack of information, the response of the prison police to these riots, and the overall management of the pandemic in prison evoked dramatic, infernal scenarios that have probably always been linked to the image of prison as a place of segregation and rejection, a ‘dumping ground’<sup>8</sup> for the removal of what is intolerable to the socially integrated community. In this sense, even the emergency phase of the COVID-19 pandemic did not reveal new issues; instead, it reinforced the acquired notions of the Italian prison system and, in parallel, the policies and measures taken by the government.<sup>9</sup>

In the present situation, more than four years after the pandemic outbreak, one can easily see how narratives about the prison proliferated to such an extent that they centred on the system’s longstanding problems without valorising the positive reactions to the crisis, born out of the reality of the prison context. Speaking as a professional working in the prison system, I propose to develop three aspects that emerged from this phase of emergency (and perhaps post-emergency), together with the tragic scenarios mentioned above, in order to improve the prison narrative as well as the quality standards of the prison system itself.

In an article that appeared in 2020 in the magazine *Form@re*, ‘Il carcere italiano di fronte al Coronavirus: tra criticità e resilienza’, Carla Vignali highlighted three aspects of resilience that emerged during the pandemic: solidarity from the inside through material aid sent to the outside world by incarcerated persons; the reconversion of prison work into the production of face masks and/or useful items to help with the crisis; and, finally,

the implementation of new technologies and access to the internet. How can these new perspectives and developments be implemented permanently to produce systemic changes in the penitentiary system? How can these practices inspire new and more comprehensive government policies and establish a different narrative about prison that also positively influences the process of (re-)education? I believe that these questions are fundamental for constructing a new prison narrative that uses the pandemic experience in a critical as well as a constructive key (Mezirow 1990, 2016). I would then like to propose a link between the issue of solidarity – with inmates sending money to the outside community, an initiative already taken during catastrophic and/or exceptional events in the past – and the notion of restorative justice,<sup>10</sup> which has been encouraged by the former Minister of Justice Marta Cartabia, and which formed one of the pillars of her reform of the prison system (Cartabia and Ceretti 2020).

The topic of the prison crisis is open and wide-ranging, but the first aspect is connected to the strategic use of the concept of solidarity, which has multiple layers. For example, sociologists and pedagogists consider solidarity as a founding community value (Tramma 2009, 75–92). In restorative justice, ‘solidarity’ constitutes a means of reactivating a social pact interrupted by a crime. The ideological matrix of the regulatory change introduced in Article 20-ter of the Penitentiary Law (*Gazzetta Ufficiale* 1975), in which public utility work is postulated as one of the elements of rehabilitative treatment, draws on this element of solidarity. It constitutes one of the aspects of the ‘critical review’ of unlawful conduct, which may also lead the offender to give a personal contribution in favour of the community, as a symbolic reparation and a conciliatory gesture for the social wound inflicted by the crime.

This means that the detainee should mature during the execution of the sentence, aided by the stimuli of the treatment, and have a firm and authentic will to repair the unlawful conduct that is accompanied by a need to recover the social (as well as the personal) damage they have produced through their conduct. In this sense, the theme of solidarity seems to be a relevant driver for ‘transformative change’ (Mezirow 1990, 1997), which connects with the different stakeholders in the circle of criminal action: the offender, the party offended by the crime, and the social community. Solidarity could, then, be represented as a continuous line that moves in different directions, from inside the prison to the tertiary community and vice versa, thus creating a system of interdependence between prison and community. This system encourages reflections on reciprocity and feeds into the educational discourse from the perspective of educational compensation for the detainees (Torlone 2016). It is supported by the state and the prison system, and should be activated during penitentiary re-education and offered as a series of pedagogical interventions filling the ‘educational’ gaps that the subject may have encountered over the course of their life.

This strategic use of the element of ‘solidarity’ has a concrete correlation with both social inclusion policies and the pedagogical approach that should inform rehabilitation programmes for incarcerated persons. It goes beyond the spontaneous maturation of a voluntary and autonomous will to ‘re-educate’ oneself that arises in the offending subject, as also mentioned by Sofri, and starts from the assumption that the ‘intentional’ dimension of the professional approach to these interventions is necessary (and decisive). This approach consists in creating the conditions that, according to the scientific perspective of adult education, promote the processes of transformative change – processes that can only be based on personal intentionality but that also need to be professionally oriented and managed (Torlone 2020).<sup>11</sup>

Regarding the issue of work, I believe that the experience gained from the pandemic highlights the need to direct penitentiary work towards the outside community, to professionalise work activities, and to allocate them increasingly for outside use. On the other



hand, both the legislation and the Italian government's memos have been going in this direction for many years. However, for this principle to be put into practice, it is necessary to put robust 'interdependence' policies in place that provide the conditions for the economic feasibility of such concepts (such as innovations in terms of wages and memos regarding the nomenclature of work activities for prisoners).<sup>12</sup>

The third and last aspect, which relates to the introduction of new technologies and internet access for the management of various prison activities, could represent a change of system and the abandonment of the totalitarian institution paradigm. In fact, during the pandemic, the management of activities such as family interviews, teaching and training of inmates, as well as staff training and networking activities to create sustainable agreements with local communities (protocols, agreements, calls), were all carried out with the help of innovative technological tools, thus expanding the use of the internet in prison. Apart from the necessary evaluations to be made regarding the costs and benefits of the use of such tools, including the conditions of social security, this change in management breaches the paradigm of prison as a totalitarian institution, as it negotiates an open window in constant connection with the outside that dismantles, in practice, the rigid and impassable framework of the system as developed by Erving Goffman. The Canadian sociologist interpreted totalitarian institutions as places in which people share a common situation by spending part of their lives in a closed regime, the 'totalising' element of which is precisely the impediment to social exchange and relations with the outside world (Goffman 1972). Digital technologies disrupt this armoured and impermeable system through the always accessible connection with everything outside the prison perimeter. Even when such a system of open connection cannot be constantly guaranteed for security reasons, its very existence represents a possibility to change Goffman's framework; the constant, increased use of the internet in prison therefore constitutes a reasonable development goal for the prison system, which is congruent with reform policies. The positive repercussions on the prisoners' educational and rehabilitative opportunities are evident, but equally evident are the possibilities it offers for concretising paths of social reintegration and fruitful exchange with the community, as well as for improving the maintenance of the inmates' mental and physical health. Being interconnected could also represent a way to resist the phenomenon of 'prisonisation', which is one of the most pervasive effects of the 'closure' of the prison system.

There are certainly many more than three aspects from which to start to reform prisons; however, these three examples emerged more clearly through the COVID-19 experience, and it is necessary to give them weight so that the opportunity for a solid reflection on the reforms to be implemented and the processes to be attended to is not lost. If repentance is a spontaneous feeling without a direct relation to imprisonment, the activation of a re-educative process during the execution of the sentence, directed by the prison institution, requires highly qualified professional interventions and also the support of broad social policies, even at the risk of recidivism, which in this sense does not represent a failure 'of the prison' but a social failure. The noble question of 'Who is my neighbour?' posited by Sofri always applies, both in and out of prison.

## Conclusion

The relevance of Sofri's columns to the post-COVID debate on prison reform lies in the *long durée* of his criticism of the penitentiary system. Prison director Luigi Pagano once said that to clear the San Vittore prison is like 'emptying the sea with a bucket', and he attached the sign '*Tutto esaurito*' (Completely full) on the prison gate to underline his statement (Sofri 1998, 9). To empty the sea with a bucket also means to continue

to exercise the ‘ignoble’ task of reforming a prison that, ideally speaking, should not even exist.

If we approach the issue of overcrowding from a practitioner-led perspective, the enormous difficulties encountered in Italian prisons during the COVID-19 pandemic – which seemed to persist beyond the most critical phase of the emergency – reveal the many unsolved problems inherent in Italy’s criminal justice system. Although pessimism prevails regarding the difficulty of learning from the COVID experience and viewing prison reality beyond the frame of crisis, there is also some evidence of an increased responsiveness to the vulnerabilities of persons detained or deprived of liberty.

According to Antigone’s most recent report, *Nodo alla gola* (meaning literally ‘knot at one’s throat’, and more idiomatically ‘lump in one’s throat’), there is little hope of any improvement in Italy’s agonising prison system. At the time of writing, the year 2024 already counts 28 suicides, the statistics of overcrowding have increased enormously (arriving at 61,000, the highest number in the last ten years), detained persons cannot attend school because the schools have been transformed into dorms, and those who wish to call home frequently are not allowed to, while they had the right to do so during the COVID restrictions (Gonnella 2024). However, on 6 December 2023, Italy’s Constitutional Court declared legal provision limiting intimate meetings with inmates unconstitutional, thus recognising the urgency ‘to achieve a balance between public safety needs and penitentiary discipline vis-à-vis the legitimate exercise of inmates’ constitutional rights’ (Figueroa 2024). This ‘enlightened’ decision allows Italy to place itself among the 31 European countries that recognise the right to exercise affection in prison.

Mauro Palma, former National Guarantor for the Rights of Persons Detained or Deprived of Liberty, in an interview on 13 January 2024, stressed the importance of continuing to invest in making explicit the vulnerabilities of detained persons as they emerged during the COVID-19 restrictions. He also voiced his concerns, as far as prisons of an intermediate security level are concerned, over what he called ‘a phase of great closure, of institutional lack of attention to a language of understanding’. In his view, it is precisely a ‘language increasingly focused on exclusion, on distancing’ that is negatively influencing the narrative on prisons (Vanzi 2024). By addressing the persisting coexistence of two conflicting prison narratives, he summarises very clearly the bottlenecks of Italy’s penitentiary system in finding a positive way forward towards restorative justice, and beyond the pandemic.

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## Notes

1. The Italian Recovery and Resilience Plan foresees a reform of the criminal justice system (Cartabia 2021).
2. Caporetto is the name of an Italian village (now in Slovenia) where a battle was fought during the First World War, in which the Italian army was defeated by Austro-German forces in 1917. It is now used in a figurative sense, to refer to a heavy defeat, setback or capitulation (Vocabolario Treccani).
3. A selection of his 2020 COVID-19 chronicles has been translated into German and published as a book (Sofri 2020f).
4. Although Sofri’s writings on prison are numerous, critical attention has focused almost exclusively on the critical and cultural production that has been generated by the so-called ‘caso Sofri’ (see, for instance, Ginzburg 2020; Tabucchi 1998).
5. Sofri’s prison writing corresponds with a transnational prison poetics as defined by Doran Larson, working around a ‘dissociative/associative trope’ which is at the origin of the ‘shift in textual register, from personal autobiography to public testament’ (2010, 145).

6. 'I shudder when I hear the name of Dreyfus applied to me ... Dreyfus must not become a common synonym for judiciary and political error or machinations' (Sofri 2004, 742).
7. Cf. on this issue 'Affettività e carcere: Un binomio (im)possibile?' (*Giurisprudenza Penale* 2019), and De Vito (2024). See also Sofri and Ceraudo on sexuality in prison (1999, 71–118).
8. In Italian, the term '*discarica sociale*' is used by journalists and experts in the field of criminal justice to criticise the prison environment and its penal policy as a segregated place that can further exacerbate social exclusion and intensify vulnerability. On this issue, see, for instance, Criaco (2020) and Colonnello (2022). See also Vianello (2019).
9. See on this issue the final report of the Commissione Ruotolo (Commissione per l'innovazione del sistema penitenziario) of 13 September 2021, accessed 4 July 2021, [www.giustizia.it/cmsresources/cms/documents/commissione\\_RUOTOLO\\_relazione\\_finale\\_17dic21.pdf](http://www.giustizia.it/cmsresources/cms/documents/commissione_RUOTOLO_relazione_finale_17dic21.pdf).
10. For a definition of this term see 'What is restorative justice': 'Restorative justice brings those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward' (<https://restorativejustice.org.uk/what-restorative-justice>).
11. The 'intentional dimension' refers to professionally managed educational processes that follow the approach of phenomenological pedagogy (Bertolini 1988). For Piero Bertolini, 'the subject in relation to the world and others is at the very centre of educational intervention. Here the Husserlian concept of intentionality as the ability to make sense of the world is vital ... Therefore, the objective of educational intervention is not to address incorrect behaviours but to impact on the subjects' everyday lives' (Tarozzi 2016, 9).
12. Cf. Circolare DAP-0362323-2018: 'Riforma dell'Ordinamento penitenziario in materia di vita detentiva e lavoro penitenziario', [www.gazzettaufficiale.it/eli/id/2018/10/26/18G00150/sg](http://www.gazzettaufficiale.it/eli/id/2018/10/26/18G00150/sg). See also Circolare DAP 'Ridenominazioni corrette di talune figure professionali ed altro in ambito penitenziario', [www.ristretti.it/commenti/2017/aprile/pdf2/circolare\\_dap.pdf](http://www.ristretti.it/commenti/2017/aprile/pdf2/circolare_dap.pdf).

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### Italian summary

Il problema del sovraffollamento nelle carceri italiane è diventato una notizia mondiale agli inizi di marzo 2020 quando la paura del contagio del coronavirus ha innescato rivolte in tutto il paese, causando la morte di tredici detenuti. Come succede con le narrazioni di crisi, l'esplosione del COVID-19 ha reso visibili i problemi irrisolti nelle carceri italiane e ha creato nuove condizioni per riflettere in

modo critico sulle potenzialità della ‘riparazione’ nel sistema penitenziario italiano. Questo contributo si concentra, nella prima parte, sull’impatto dell’emergenza COVID-19 negli scritti contro la prigionia dell’intellettuale Adriano Sofri partendo dalla sua rubrica sul quotidiano *Il Foglio* del 10 marzo 2020 sulle rivolte nelle carceri dopo le misure anticoronavirus, e nella seconda parte, analizza le risposte alla pandemia da una posizione professionale interna del sistema penitenziario. Offrendo una prospettiva sia dialettica che immanente, l’articolo propone, attraverso una riflessione critica su quanto si è verificato durante la pandemia, di ipotizzare nuovi modi per ripensare il carcere e per rivalutare la credibilità sociale del sistema penitenziario in Italia, ‘oltre il virus’ e fuori dalla consueta logica emergenziale.

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